

113TH CONGRESS  
2D SESSION

# H. R. 1459

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## AN ACT

To ensure that the National Environmental Policy Act of 1969 applies to the declaration of national monuments, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Public In-  
3 volvement in the Creation of National Monuments Act”.

4 **SEC. 2. NEPA APPLICABILITY TO NATIONAL MONUMENT**  
5 **DECLARATIONS.**

6 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431;  
7 commonly known as the “Antiquities Act of 1906”) is  
8 amended—

9 (1) by striking “That the President” and in-  
10 serting the following:

11 “(a) That the President”;

12 (2) by striking “discretion, to declare” and in-  
13 serting “discretion, subject to the National Environ-  
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
15 to declare”;

16 (3) by inserting before the final period the fol-  
17 lowing “. No more than one declaration shall be  
18 made in a State during any presidential four-year  
19 term of office without an express Act of Congress”;  
20 and

21 (4) by adding at the end the following:

22 “(b) A declaration under this section shall—

23 “(1) not include private property without the  
24 informed written consent of the owner of the private  
25 property affected by the declaration;

1           “(2) be considered a major Federal action  
2           under the National Environmental Policy Act of  
3           1969 (42 U.S.C. 4321 et seq.), except if it affects  
4           5,000 acres or less, in which case—

5                   “(A) the declaration shall be categorically  
6                   excluded from the National Environmental Pol-  
7                   icy Act of 1969;

8                   “(B) the declaration shall expire three  
9                   years after the date of the declaration; and

10                   “(C) the declaration may become perma-  
11                   nent if—

12                           “(i) specifically designated as a monu-  
13                           ment by Federal statute; or

14                           “(ii) the President follows the review  
15                           process under the National Environmental  
16                           Policy Act of 1969; and

17           “(3) be followed by a feasibility study that in-  
18           cludes an estimate of the costs associated with man-  
19           aging the monument in perpetuity, including any  
20           loss of Federal and State revenue, and the benefits  
21           associated with managing the monument in per-  
22           petuity, including jobs created and tourism dollars  
23           associated with managing the monument, which  
24           shall be submitted to the Committee on Natural Re-  
25           sources of the House of Representatives and the

1       Committee on Energy and Natural Resources of the  
2       Senate and made available on the website of the De-  
3       partment of the Interior not later than one year  
4       after the date of the declaration.”.

5   **SEC. 3. USE OF EXISTING FUNDS.**

6       This Act shall not be construed to increase the  
7       amount of funds that are authorized to be appropriated  
8       for any fiscal year.

      Passed the House of Representatives March 26,  
2014.

Attest:

*Clerk.*



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